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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/782,866	01/13/1997	PAUL DELABASTITA	GV-2166	9938

23550 7590 10/09/2003

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EXAMINER	
ANGEBRANNDT, MARTIN J	
ART UNIT	PAPER NUMBER
1756	48

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/782,866	DELABASTITA ET AL.	
	Examiner	Art Unit	
	Martin J Angebranndt	1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

1 The response provided by the applicant has been read and given careful consideration. The applicant offered no other arguments other than the claim is newly presented and therefore not previously rejected.

2 The following is a quotation of 35 U.S.C. § 103, which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3 Claim 24 is rejected under 35 U.S.C. § 103 as being unpatentable over Peterson '762, in view of Stoffel et al. '(1981).

Peterson '762 establishes that it is known to use a laser to form a lithographic printing plate. The process uses a mixture of a diazo composition with nitrocellulose and carbon black. The carbon black absorbs light converting it heat and heating the nitrocellulose until it combusts, removing it from the support surface. The formation of letterpress printing plates is also disclosed. The process appears to be a direct writing without a mask using the YAG pulsed

laser as no mask is described. Therefore the beam modulation and direction must be controlled electronically/digitally.

Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) teaches various techniques for use in scanning and screening images such as photographs and camera images to produce halftone images which are useful with binary output devices such as lithography, xerography or ink jet printers. (Page 1898/col 1/paragraphs 1-2). Pages 1907,1908,1915,1916 and tables I & II describe the process of error diffusion and the benefits. The output of all the images including the original output is from a versatec plotter. (page 1908/right column section G) The input of the image into a scanner, the electronic processing of the image and the output marking are shown in figure 1. The output marking is clearly not provided through a mask or the like.

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of producing printing plates disclosed by Peterson '762 with a reasonable expectation of gaining the benefits taught by Stoffel et al. '(1981), based upon the disclosure of Stoffel et al. '(1981) that this technique is applicable to lithographic, letterpress and gravure printing.

5 Claim 24 is rejected under the principles of ***res judicata*** as the board of Appeals and Interferences rendered a decision on patentable nondistinct claim 5 (which recites optional development) on 9/26/2002. The period for appeal of this decision having lapsed.

The examiner notes that claim 24 is patentably nondistinct from claim 5 previously presented and adjudicated. The only difference is the presence of language reciting "an optional development step" in claim 5. As claim 24 uses comprising language, a development step is

included in the scope of coverage sought. The examiner notes that the same rejection as above was applied to this claim and upheld and therefore the same issues are involved. The examiner notes that as there is no patentable difference in the claim presented and adjudicated claim 5 and there is no additional evidence in the record. The assertion of **res judicata** should be upheld. See MPEP 706.03(w).

6 Claim 24 is rejected under 35 U.S.C. § 103 as being unpatentable over Peterson '762, in view of Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) and Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982).

Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982) teaches that bilevel displays include ink on paper (page 47/left column). The use of Peano curves rather than raster scanning together with feed back incorporating the minimization of the cumulative error (error diffusion) (pages 50 and figure 2) (see specification at page 6)

It would have been obvious to one skilled in the art to include frequency modulation screening techniques such as error diffusion taught by Stoffel et al. '(1981) in the techniques of producing printing plates disclosed by Peterson '762 with a reasonable expectation of gaining the benefits taught by Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981), based upon the disclosure of Stoffel et al., "A survey of Electronic Techniques for Pictorial Image Reproduction", IEEE Trans. Comm. Vol. COM-29(12), pp. 11898-1925 (1981) that this technique is applicable to lithographic, letterpress and gravure printing lithography and further, it would have been obvious to use peano curves rather than raster scanning in the screening process

to reduce the accumulated error and prevent it from being carried over to the next line basd upon the teachings of Witten et al., "Using Peano Curves for Bilevel Display of Continuous-Tone Images", IEEE computer Graphics and Applications, pp. 47-52 (May 1982).

7 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Angebranndt whose telephone number is (703) 308-4397.

I am normally available between 7:30 AM and 5:00 PM, Monday through Thursday and 7:30 AM and 4:00 PM on alternate Fridays.

If repeated attempts to reach me are unsuccessful, my supervisor may be reached at (703) 308-2464.

Facsimile correspondence should be directed to (703) 892-9311.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Martin J. Angebranndt
Primary Examiner, Group 1750
October 7, 2003